

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DERNEVAL RODNELL DIMMER,

Defendant.

CASE NO. 2:23-cr-00078-LK
CASE NO. 2:23-cr-00079-LK

ORDER GRANTING MOTION FOR
EARLY TERMINATION OF
SUPERVISED RELEASE

This matter comes before the Court on Defendant Derneval Dimmer's Motion for Early Termination of Supervised Release. Dkt. No. 18.¹ Neither United States Probation and Pretrial Services nor the Government oppose his motion. Dkt. Nos. 20–21. For the reasons discussed below, the Court grants Mr. Dimmer's motion.

¹ An identical motion was filed at Docket Number 16 in Mr. Dimmer's other matter before the undersigned District Judge: *United States v. Dimmer*, 2:23-cr-00079-LK (W.D. Wash.). Because the relevant filings are the same in both cases, the Court refers herein to the filings in 2:23-cr-00078-LK unless otherwise indicated.

I. BACKGROUND

In January 2013, Mr. Dimmer pleaded guilty to one count of conspiracy to distribute controlled substances in two separate cases in the District of Alaska. *See United States v. Dimmer*, No. 3:12-cr-00035-TMB, Dkt. Nos. 153, 158-1, 159 (D. Alaska Jan. 14, 2013). On April 8, 2013, the Honorable Timothy M. Burgess sentenced Mr. Dimmer to 228 months incarceration and 10 years of supervised release in both cases, to be served concurrently. *Id.*, Dkt. No. 184. After Mr. Dimmer was diagnosed with Stage 3 colorectal cancer, Judge Burgess granted his motions for compassionate release in both underlying criminal cases, *id.*, Dkt. No. 356, and on February 6, 2023, entered an amended judgment reducing his term of imprisonment to time served and reaffirming the 10-year term of supervised release, *see id.*, Dkt. No. 357. On May 15, 2023, the undersigned accepted a transfer of jurisdiction in both underlying cases for the duration of Mr. Dimmer's term of supervised release. *See* 2:23-cr-00078-LK, Dkt. No. 1; 2:23-cr-00079-LK, Dkt. No. 1.

In July 2023, Mr. Dimmer filed two pro se motions to modify the conditions of his supervised release. *See* Dkt. Nos. 3, 6. On August 1, 2023, the Court sua sponte granted Mr. Dimmer the opportunity to be appointed counsel and "to either submit a modified motion or provide supplemental briefing in support of [his] motions[.]" Dkt. No. 7 at 1. Following the appearance of counsel on behalf of Mr. Dimmer, the Court set a briefing schedule and Mr. Dimmer submitted his amended motion, which the Court denied. Dkt. Nos. 8, 11–12, 17.

Mr. Dimmer now moves for the early termination of his term of supervised release "because he has successfully re-entered the community, as evidenced by his good conduct while on supervision and because of complications with [his] serious medical condition." Dkt. No. 18 at 1; *see also id.* at 3–4; Dkt. No. 18-1 at 2. As noted above, neither the Probation Office nor the Government oppose the early termination of Mr. Dimmer's supervised release. Dkt. Nos. 20–21.

II. DISCUSSION

After considering the factors set forth in 18 U.S.C. § 3553(a), a court may “terminate a term of supervised release . . . at any time after the expiration of one year of supervised release” if such action is warranted by the defendant’s conduct and in the interests of justice. 18 U.S.C. § 3583(e)(1). Although Mr. Dimmer is only one year into his term of supervision, he has gone to great lengths to comply with the conditions of his supervised release despite his serious medical condition, created stability in his life, and maintained employment. Dkt. No. 18 at 3–4. On balance, and given the circumstances of this case, the Court finds that Mr. Dimmer’s conduct, the interests of justice, and the relevant factors laid out in 18 U.S.C. § 3553(a) support early termination.

III. CONCLUSION

For the foregoing reasons, the Court GRANTS Mr. Dimmer’s motion for early termination of supervised release. Dkt. No. 18. Mr. Dimmer’s term of supervised release is terminated, effective immediately. The Clerk is DIRECTED to send copies of this order to all counsel of record and to the United States Probation Office.

Dated this 15th day of March, 2024.



Lauren King
United States District Judge